

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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JOHN B. DOEPKER,  
*on behalf of* CHRISTINE K. DOEPKER,

Plaintiff,

v.

Case No. 18-cv-1413-pp

NANCY A. BERRYHILL,

Defendant.

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**ORDER DENYING MOTION FOR LEAVE TO PROCEED WITHOUT  
PREPAYMENT OF THE FILING FEE (DKT. NO. 3)**

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On September 10, 2018, the plaintiff filed a complaint seeking judicial review of a final administrative decision denying his claim for disability insurance benefits under the Social Security Act. Dkt. No. 1. The plaintiff also filed a motion for leave to proceed without prepayment of the filing fee. Dkt. No. 3.

To allow the plaintiff to proceed without paying the filing fee, the court must first decide whether the plaintiff has the ability to pay the filing fee, and if not, it must determine whether the lawsuit is frivolous. 28 U.S.C. §§1915(a) and 1915(e)(2)(B)(i).

Based on the facts in the plaintiff's affidavit, the court concludes that he has the ability to pay the filing fee. The affidavit says that he is not employed, not married, and has no dependents. Dkt. No. 3 at 1. Yet the plaintiff lists \$1,347.50 in monthly wages or salary and Food Share of \$15 per month

(although it is not clear whether that \$15 is part of the \$1,347.50). Id. at 2. In the space providing for listing his employer, the plaintiff wrote “Social Security Administration Benefits,” and underneath it wrote “see attached form.” Id. Under source of income, he listed no amount, but again wrote, “see on additional sheet attached.” Id. Despite his references to it, there is no attachment to the plaintiff’s request.

The plaintiff lists household expenses of \$600 per month. Id. He says he has a Pontiac Grand Prix worth \$2,500 and a Chevrolet Silverado worth \$3,500, and that he owns his home with “no mortgage balance;” he wrote “see attached copy” in the space to list the value of the home. Id. The plaintiff also states that he has \$1,500 in a checking account and \$47 in a savings account. Id.

It appears that the plaintiff has at least \$1,347.50 in monthly income (with possible additional income that the court is not aware of because there was no attachment to the request), and only \$600 per month in expenses. The plaintiff also has two vehicles, a home he owns free and clear, and slightly more than \$1,500 in checking and savings accounts. The court concludes from that information that the plaintiff has demonstrated that he has the disposable income to pay the \$350 filing fee and \$50 administrative fee.

Because the court concludes that the plaintiff has the ability to pay the filing fee, it need not determine whether the case is frivolous.

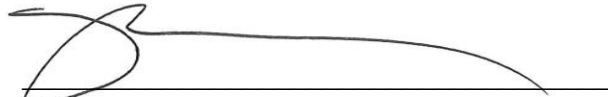
The court **DENIES** the plaintiff’s motion for leave to proceed without paying the filing fee. Dkt. No. 3. The court **ORDERS** that the plaintiff shall pay

the \$350 filing fee and \$50 administrative fee by the end of the day on **October 19, 2018**. The plaintiff may pay in person, by bringing the payment to 517 East Wisconsin Avenue, Room 362, Milwaukee, Wisconsin 53211 between the hours of 8:30 a.m. and 4:30 p.m. He may mail a payment (a personal check, money order or cashier's check made out to "Clerk, U.S. District Court) to that same address. He may pay over the phone by credit card, by calling 414-297-3417 between the hours of 8:30 a.m. and 4:30 p.m. and asking to speak to the cashier.

If the court does not receive the fee in full by the end of the day on October 19, 2018, the court will dismiss the case on the following business day without further notice or hearing for failure to pay the required filing fee.

Dated in Milwaukee, Wisconsin this 19th day of September, 2018.

**BY THE COURT:**

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

**HON. PAMELA PEPPER**  
**United States District Judge**